Government of Kerala
1974

Reg. No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

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Report of the Select Committee on the Kerala Land Development Corporation Limited (Special Powers) Bill, 1974

and

the Bill as Reported by the Select Committee.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1974.

33/803/MC.

THE KERALA LAND DEVELOPMENT CORPORATION LIMITED (SPECIAL POWERS) BILL, 1974

(Report of the Select Committee)

1. The Select Committee to which the Kerala Land Development Corporation Limited (Special Powers) Bill, 1974 was referred, have considered the Bill clause by clause and now submit this, their report with the Bill as reported by the Committee annexed thereto.

2. The Bill was published in the Gazette Extraordinary dated February 9, 1974. The Bill was introduced in the Assembly on February 18, 1974 and the motion for reference to Select Committee with direction to report back on February 25, 1974 was adopted on the same day.

3. The Committee met on February 21, 1974 in the Assembly Chamber, Trivandrum. The changes proposed by the Committee and the reasons therefor are set out in the following paragraphs.

4. Clause 5.

(a) *Sub-clause (1)*.—The Committee consider that copies of the draft scheme should be published in the offices of local authorities within whose jurisdiction the lands included in the scheme are situate. The sub-clause has been modified for this purpose.

(b) *Sub-clause (3)*.—The Committee feel that owners on whom separate notices are served may not get the notices sufficiently early so as to enable them to file their objections or appear before the Inquiring Officer within thirty days of the publication of the notice. The Committee are therefore of the view that in their case a period of fifteen days from the date of service of the notice or a period of thirty days from the date of publication of the notice, whichever is later, should be allowed. The sub-clause has been modified accordingly.

5. Clause 7

Sub-clause (1).—Under the proviso to this sub-clause, the Corporation has to submit to the Government for orders every scheme in respect of which the owners of more than fifty per cent of the area of the lands included in the scheme other than Government lands have made objections. The Committee feel that schemes

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objected to by more than sixty per cent of the number of owners of the lands included in the scheme, irrespective of the extent of the lands owned by them, should also be submitted to the Government for orders.

The Committee are also of the view that the scheme need be sent to the Government only if the Corporation is of opinion that the scheme should be executed. The provision has been modified for the above purposes.

6. Clause 9.

Sub-clause (1).—The Committee consider that there should be a specific provision enabling the Corporation to execute the works under the schemes through the owners of the lands concerned or through the Padasekharam Committees constituted under the Kerala Land Development Act, 1964. The sub-clause has been modified accordingly.

7. The other changes made by the Committee are either verbal or consequential.

VAKKOM PURUSHOTHAMAN,

Chairman of the Select Committee.

DISSENTING NOTES

I

1. This Bill gives enormous power to the Corporation to take up and execute Development of schemes. The Corporation has been constituted under the Companies Act. Since the Corporation is exercising enormous powers the Corporation is to be constituted by an Act of this Legislature.

2. In clause 2 sub clause (b) cost has been defined as cost of the scheme plus charges for establishment and supervision. This is to be deleted and the cost is to be limited only to part of the estimate.

3. *Clause* 7: The Corporation or the Government are empowered to take decision on the report of the enquiry officer without giving notice to the parties concerned. We are of the opinion that notice to the parties is necessary before taking decision by the Corporation or by the Government.

4. *Clause* 10: In clause 10 every land owner is made liable to pay full cost or part of the cost. This is to be modified as the land owner shall not be made liable to pay more than 50% of the cost of the estimate.

5. In clause 11, (dealing with interest) the interest has not been specified. Interest is to be specified as $3\frac{1}{2}$%.

6. *Clauses* 13 *and* 14: Before declaring the work as completed, and recording the rights and liabilities of the land owner, notice is to be given to parties calling for objections.

7. A new clause is to be included giving powers to prefer appeal to Government.

K. R. Gowri, (Sd.)
Member, Select Committee.

C. B. C. Warrier, (Sd.)
Member, Select Committee.

II

We the members of the Select Committee on Kerala Land Development Corporation Limited (Special powers) Bill, 1974 present the following note of dissent.

Though the Bill in its statement of objects and reasons envisages that the Corporation is proposed to be established with the object of providing, undertaking, financing and executing land development schemes for the development of agriculture, we find, on closer examination, that the above objects cannot be achieved if the scheme is implemented as it is explained in the Bill.

The Corporation, registered under the Companies Act, is only a financing agency * * * * who thrusts huge sums of money on land owners for seeking higher rates of interest. In the present Bill, the Corporation studiously shifting the responsibility of improving the land and coercing the agriculturist to pay the entire cost of execution, establishment, supervision and maintenance of the scheme together with huge interest, through his nose.

The Government ignoring its responsibility to do development works, in the State, from their coffers or from some other financial agencies, they are trying to shift this responsibility to the poor agriculturists who are downtrodden because of a variety of reasons. The thrusting of the entire financial burden of the scheme on the agriculturist will be ruinous to him in the long run.

As the Bill stands now, the agriculturist is only a poor spectator. He has no voice in the formulation of the scheme nor in its execution.

The scheme, to be implemented in a particular area without consulting and without seeking the concurrence of the people who are going to be affected by it is tantamount to butchering democracy.

1. K. J. Chacko, M.L.A. (Sd.)
   Member, Select Committee.

2. P. J. Joseph, M.L.A. (Sd.)
   Member, Select Committee.

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GOVERNMENT OF KERALA

Public (Political 'A') Department

NOTIFICATION

No. 26252/Pol. A2/74/PD. *Dated, Trivandrum 1st March 1974*

The Governor has been pleased to order that until Shri Paul P. Mani Minister for Food & Civil Supplies is able to resume his duties, Shri K. Karunakaran, Minister for Home will be in charge of the duties of the Minister for Food & Civil Supplies with effect from 1-3-1974.

By order of the Governor,

K. P. K. MENON,
Chief Secretary to Government.

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